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SENATE BILL 5024

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State of Washington

60th Legislature

2007 Regular Session

By Senators Jacobsen and Kline

Read first time 01/08/2007. Referred to Committee on Health & Long-Term Care.

1 AN ACT Relating to increasing fees to fund community traumatic  
2 brain injury services; amending RCW 46.20.311 and 46.68.041; reenacting  
3 and amending RCW 43.84.092; adding a new section to chapter 46.20 RCW;  
4 and creating a new section.

5 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

6 NEW SECTION. **Sec. 1.** The legislature finds that over one million  
7 four hundred thousand individuals receive traumatic brain injuries  
8 nationally per year, and that motor vehicle accidents are a leading  
9 cause of traumatic brain injuries. The legislature finds that driving  
10 under the influence leads to a significant number of motor vehicle  
11 accidents, and intends that additional revenue from license  
12 reinstatement for impaired drivers be used to support individuals with  
13 traumatic brain injuries.

14 The legislature also finds that many individuals recovering from a  
15 traumatic brain injury need assistance not only with physical tasks,  
16 but also have unique mental health and cognitive needs. The  
17 legislature finds that community-based organizations are best able to  
18 provide prevention services and support that assist beyond an

1 individual's basic physical care needs, such as managing temper and  
2 behaviors, improving memory, and acquiring new job and life skills.

3 NEW SECTION. **Sec. 2.** A new section is added to chapter 46.20 RCW  
4 to read as follows:

5 The traumatic brain injury account is created in the state  
6 treasury. All receipts from RCW 46.20.311(1)(e)(ii), (2)(b)(ii), and  
7 (3)(b) must be deposited into the account. Moneys in the account may  
8 be spent only after appropriation, and may be used only to contract  
9 with qualified community-based organizations to provide prevention,  
10 referral, and support services relating to traumatic brain injury, and  
11 to cover reasonable costs related to monitoring the contracts. The  
12 secretary of the department of social and health services has the  
13 authority to administer the funds.

14 **Sec. 3.** RCW 46.20.311 and 2006 c 73 s 15 are each amended to read  
15 as follows:

16 (1)(a) The department shall not suspend a driver's license or  
17 privilege to drive a motor vehicle on the public highways for a fixed  
18 period of more than one year, except as specifically permitted under  
19 RCW 46.20.267, 46.20.342, or other provision of law.

20 (b) Except for a suspension under RCW 46.20.267, 46.20.289,  
21 46.20.291(5), 46.61.740, or 74.20A.320, whenever the license or driving  
22 privilege of any person is suspended by reason of a conviction, a  
23 finding that a traffic infraction has been committed, pursuant to  
24 chapter 46.29 RCW, or pursuant to RCW 46.20.291 or 46.20.308, the  
25 suspension shall remain in effect until the person gives and thereafter  
26 maintains proof of financial responsibility for the future as provided  
27 in chapter 46.29 RCW.

28 (c) If the suspension is the result of a nonfelony violation of RCW  
29 46.61.502 or 46.61.504, the department shall determine the person's  
30 eligibility for licensing based upon the reports provided by the  
31 alcoholism agency or probation department designated under RCW  
32 46.61.5056 and shall deny reinstatement until enrollment and  
33 participation in an approved program has been established and the  
34 person is otherwise qualified. If the suspension is the result of a  
35 violation of RCW 46.61.502(6) or 46.61.504(6), the department shall  
36 determine the person's eligibility for licensing based upon the reports

1 provided by the alcohol or drug dependency agency required under RCW  
2 46.61.524 and shall deny reinstatement until satisfactory progress in  
3 an approved program has been established and the person is otherwise  
4 qualified. If the suspension is the result of a violation of RCW  
5 46.61.502 or 46.61.504, and the person is required pursuant to RCW  
6 46.20.720 to drive only a motor vehicle equipped with a functioning  
7 ignition interlock, the department shall determine the person's  
8 eligibility for licensing based upon written verification by a company  
9 doing business in the state that it has installed the required device  
10 on a vehicle owned or operated by the person seeking reinstatement.  
11 If, based upon notification from the interlock provider or otherwise,  
12 the department determines that an interlock required under RCW  
13 46.20.720 is no longer installed or functioning as required, the  
14 department shall suspend the person's license or privilege to drive.  
15 Whenever the license or driving privilege of any person is suspended or  
16 revoked as a result of noncompliance with an ignition interlock  
17 requirement, the suspension shall remain in effect until the person  
18 provides notice issued by a company doing business in the state that a  
19 vehicle owned or operated by the person is equipped with a functioning  
20 ignition interlock device.

21 (d) Whenever the license or driving privilege of any person is  
22 suspended as a result of certification of noncompliance with a child  
23 support order under chapter 74.20A RCW or a residential or visitation  
24 order, the suspension shall remain in effect until the person provides  
25 a release issued by the department of social and health services  
26 stating that the person is in compliance with the order.

27 (e)(i) The department shall not issue to the person a new,  
28 duplicate, or renewal license until the person pays a reissue fee of  
29 seventy-five dollars.

30 (ii) If the suspension is the result of a violation of RCW  
31 46.61.502 or 46.61.504, or is the result of administrative action under  
32 RCW 46.20.308, the reissue fee (~~shall~~) must be (~~one~~) two hundred  
33 (~~fifty~~) dollars.

34 (2)(a) Any person whose license or privilege to drive a motor  
35 vehicle on the public highways has been revoked, unless the revocation  
36 was for a cause which has been removed, is not entitled to have the  
37 license or privilege renewed or restored until: (i) After the  
38 expiration of one year from the date the license or privilege to drive

1 was revoked; (ii) after the expiration of the applicable revocation  
2 period provided by RCW 46.20.3101 or 46.61.5055; (iii) after the  
3 expiration of two years for persons convicted of vehicular homicide; or  
4 (iv) after the expiration of the applicable revocation period provided  
5 by RCW 46.20.265.

6 (b)(i) After the expiration of the appropriate period, the person  
7 may make application for a new license as provided by law together with  
8 a reissue fee in the amount of seventy-five dollars.

9 (ii) If the revocation is the result of a violation of RCW  
10 46.20.308, 46.61.502, or 46.61.504, the reissue fee (~~(shall)~~) must be  
11 (~~(one)~~) two hundred (~~(fifty)~~) dollars. If the revocation is the result  
12 of a nonfelony violation of RCW 46.61.502 or 46.61.504, the department  
13 shall determine the person's eligibility for licensing based upon the  
14 reports provided by the alcoholism agency or probation department  
15 designated under RCW 46.61.5056 and shall deny reissuance of a license,  
16 permit, or privilege to drive until enrollment and participation in an  
17 approved program has been established and the person is otherwise  
18 qualified. If the suspension is the result of a violation of RCW  
19 46.61.502(6) or 46.61.504(6), the department shall determine the  
20 person's eligibility for licensing based upon the reports provided by  
21 the alcohol or drug dependency agency required under RCW 46.61.524 and  
22 shall deny reinstatement until satisfactory progress in an approved  
23 program has been established and the person is otherwise qualified. If  
24 the revocation is the result of a violation of RCW 46.61.502 or  
25 46.61.504, and the person is required pursuant to RCW 46.20.720 to  
26 drive only a motor vehicle equipped with a functioning ignition  
27 interlock or other biological or technical device, the department shall  
28 determine the person's eligibility for licensing based upon written  
29 verification by a company doing business in the state that it has  
30 installed the required device on a vehicle owned or operated by the  
31 person applying for a new license. If, following issuance of a new  
32 license, the department determines, based upon notification from the  
33 interlock provider or otherwise, that an interlock required under RCW  
34 46.20.720 is no longer functioning, the department shall suspend the  
35 person's license or privilege to drive until the department has  
36 received written verification from an interlock provider that a  
37 functioning interlock is installed.

1 (c) Except for a revocation under RCW 46.20.265, the department  
2 shall not then issue a new license unless it is satisfied after  
3 investigation of the driving ability of the person that it will be safe  
4 to grant the privilege of driving a motor vehicle on the public  
5 highways, and until the person gives and thereafter maintains proof of  
6 financial responsibility for the future as provided in chapter 46.29  
7 RCW. For a revocation under RCW 46.20.265, the department shall not  
8 issue a new license unless it is satisfied after investigation of the  
9 driving ability of the person that it will be safe to grant that person  
10 the privilege of driving a motor vehicle on the public highways.

11 (3)(a) Whenever the driver's license of any person is suspended  
12 pursuant to Article IV of the nonresident violators compact or RCW  
13 46.23.020 or 46.20.289 or 46.20.291(5), the department shall not issue  
14 to the person any new or renewal license until the person pays a  
15 reissue fee of seventy-five dollars.

16 (b) If the suspension is the result of a violation of the laws of  
17 this or any other state, province, or other jurisdiction involving (i)  
18 the operation or physical control of a motor vehicle upon the public  
19 highways while under the influence of intoxicating liquor or drugs, or  
20 (ii) the refusal to submit to a chemical test of the driver's blood  
21 alcohol content, the reissue fee (~~shall~~) must be (~~one~~) two hundred  
22 (~~fifty~~) dollars.

23 **Sec. 4.** RCW 46.68.041 and 2004 c 95 s 15 are each amended to read  
24 as follows:

25 (1) Except as provided in subsections (2) and (3) of this section,  
26 the department shall forward all funds accruing under the provisions of  
27 chapter 46.20 RCW together with a proper identifying, detailed report  
28 to the state treasurer who shall deposit such moneys to the credit of  
29 the highway safety fund.

30 (2) (~~Sixty-three~~) Forty-eight percent of each fee collected by  
31 the department under RCW 46.20.311 (1)(e)(ii), (2)(b)(ii), and (3)(b)  
32 (~~shall~~) must be deposited in the impaired driving safety account.

33 (3) Twenty-four percent of each fee collected by the department  
34 under RCW 46.20.311(1)(e)(ii), (2)(b)(ii), and (3)(b) must be deposited  
35 in the traumatic brain injury account, as created under section 2 of  
36 this act.

1       **Sec. 5.** RCW 43.84.092 and 2006 c 337 s 11, 2006 c 311 s 23, 2006  
2 c 171 s 10, 2006 c 56 s 10, and 2006 c 6 s 8 are each reenacted and  
3 amended to read as follows:

4       (1) All earnings of investments of surplus balances in the state  
5 treasury shall be deposited to the treasury income account, which  
6 account is hereby established in the state treasury.

7       (2) The treasury income account shall be utilized to pay or receive  
8 funds associated with federal programs as required by the federal cash  
9 management improvement act of 1990. The treasury income account is  
10 subject in all respects to chapter 43.88 RCW, but no appropriation is  
11 required for refunds or allocations of interest earnings required by  
12 the cash management improvement act. Refunds of interest to the  
13 federal treasury required under the cash management improvement act  
14 fall under RCW 43.88.180 and shall not require appropriation. The  
15 office of financial management shall determine the amounts due to or  
16 from the federal government pursuant to the cash management improvement  
17 act. The office of financial management may direct transfers of funds  
18 between accounts as deemed necessary to implement the provisions of the  
19 cash management improvement act, and this subsection. Refunds or  
20 allocations shall occur prior to the distributions of earnings set  
21 forth in subsection (4) of this section.

22       (3) Except for the provisions of RCW 43.84.160, the treasury income  
23 account may be utilized for the payment of purchased banking services  
24 on behalf of treasury funds including, but not limited to, depository,  
25 safekeeping, and disbursement functions for the state treasury and  
26 affected state agencies. The treasury income account is subject in all  
27 respects to chapter 43.88 RCW, but no appropriation is required for  
28 payments to financial institutions. Payments shall occur prior to  
29 distribution of earnings set forth in subsection (4) of this section.

30       (4) Monthly, the state treasurer shall distribute the earnings  
31 credited to the treasury income account. The state treasurer shall  
32 credit the general fund with all the earnings credited to the treasury  
33 income account except:

34       (a) The following accounts and funds shall receive their  
35 proportionate share of earnings based upon each account's and fund's  
36 average daily balance for the period: The capitol building  
37 construction account, the Cedar River channel construction and  
38 operation account, the Central Washington University capital projects

1 account, the charitable, educational, penal and reformatory  
2 institutions account, the Columbia river basin water supply development  
3 account, the common school construction fund, the county criminal  
4 justice assistance account, the county sales and use tax equalization  
5 account, the data processing building construction account, the  
6 deferred compensation administrative account, the deferred compensation  
7 principal account, the department of retirement systems expense  
8 account, the developmental disabilities community trust account, the  
9 drinking water assistance account, the drinking water assistance  
10 administrative account, the drinking water assistance repayment  
11 account, the Eastern Washington University capital projects account,  
12 the education construction fund, the education legacy trust account,  
13 the election account, the emergency reserve fund, the energy freedom  
14 account, The Evergreen State College capital projects account, the  
15 federal forest revolving account, the freight mobility investment  
16 account, the freight mobility multimodal account, the health services  
17 account, the public health services account, the health system capacity  
18 account, the personal health services account, the state higher  
19 education construction account, the higher education construction  
20 account, the highway infrastructure account, the high-occupancy toll  
21 lanes operations account, the industrial insurance premium refund  
22 account, the judges' retirement account, the judicial retirement  
23 administrative account, the judicial retirement principal account, the  
24 local leasehold excise tax account, the local real estate excise tax  
25 account, the local sales and use tax account, the medical aid account,  
26 the mobile home park relocation fund, the multimodal transportation  
27 account, the municipal criminal justice assistance account, the  
28 municipal sales and use tax equalization account, the natural resources  
29 deposit account, the oyster reserve land account, the pension funding  
30 stabilization account, the perpetual surveillance and maintenance  
31 account, the public employees' retirement system plan 1 account, the  
32 public employees' retirement system combined plan 2 and plan 3 account,  
33 the public facilities construction loan revolving account beginning  
34 July 1, 2004, the public health supplemental account, the public works  
35 assistance account, the Puyallup tribal settlement account, the real  
36 estate appraiser commission account, the regional mobility grant  
37 program account, the resource management cost account, the rural  
38 Washington loan fund, the site closure account, the small city pavement

1 and sidewalk account, the special wildlife account, the state  
2 employees' insurance account, the state employees' insurance reserve  
3 account, the state investment board expense account, the state  
4 investment board commingled trust fund accounts, the supplemental  
5 pension account, the Tacoma Narrows toll bridge account, the teachers'  
6 retirement system plan 1 account, the teachers' retirement system  
7 combined plan 2 and plan 3 account, the tobacco prevention and control  
8 account, the tobacco settlement account, the transportation  
9 infrastructure account, the transportation partnership account, the  
10 traumatic brain injury account, the tuition recovery trust fund, the  
11 University of Washington bond retirement fund, the University of  
12 Washington building account, the volunteer fire fighters' and reserve  
13 officers' relief and pension principal fund, the volunteer fire  
14 fighters' and reserve officers' administrative fund, the Washington  
15 fruit express account, the Washington judicial retirement system  
16 account, the Washington law enforcement officers' and fire fighters'  
17 system plan 1 retirement account, the Washington law enforcement  
18 officers' and fire fighters' system plan 2 retirement account, the  
19 Washington public safety employees' plan 2 retirement account, the  
20 Washington school employees' retirement system combined plan 2 and 3  
21 account, the Washington state health insurance pool account, the  
22 Washington state patrol retirement account, the Washington State  
23 University building account, the Washington State University bond  
24 retirement fund, the water pollution control revolving fund, and the  
25 Western Washington University capital projects account. Earnings  
26 derived from investing balances of the agricultural permanent fund, the  
27 normal school permanent fund, the permanent common school fund, the  
28 scientific permanent fund, and the state university permanent fund  
29 shall be allocated to their respective beneficiary accounts. All  
30 earnings to be distributed under this subsection (4)(a) shall first be  
31 reduced by the allocation to the state treasurer's service fund  
32 pursuant to RCW 43.08.190.

33 (b) The following accounts and funds shall receive eighty percent  
34 of their proportionate share of earnings based upon each account's or  
35 fund's average daily balance for the period: The aeronautics account,  
36 the aircraft search and rescue account, the county arterial  
37 preservation account, the department of licensing services account, the  
38 essential rail assistance account, the ferry bond retirement fund, the

1 grade crossing protective fund, the high capacity transportation  
2 account, the highway bond retirement fund, the highway safety account,  
3 the motor vehicle fund, the motorcycle safety education account, the  
4 pilotage account, the public transportation systems account, the Puget  
5 Sound capital construction account, the Puget Sound ferry operations  
6 account, the recreational vehicle account, the rural arterial trust  
7 account, the safety and education account, the special category C  
8 account, the state patrol highway account, the transportation 2003  
9 account (nickel account), the transportation equipment fund, the  
10 transportation fund, the transportation improvement account, the  
11 transportation improvement board bond retirement account, and the urban  
12 arterial trust account.

13 (5) In conformance with Article II, section 37 of the state  
14 Constitution, no treasury accounts or funds shall be allocated earnings  
15 without the specific affirmative directive of this section.

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